

PATENT

Attorney Docket No. 020533.0340 (2001P21477US)

REMARKS

No claims have been added, amended or canceled. Thus, claims 1, 3-24, 26-33, and 35-34 are pending in the application. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

As a preliminary matter, the Applicants wish to correct an inadvertent misunderstanding of the May (USPAP 2001/0030977) reference. Previously, the Applicants stated that the May reference "encapsulated a DHCP message within a point-to-point protocol message"; upon re-reading of May, Applicants understand May as converting a point-to-point protocol format to a DHCP format. The Applicants wish to further point out that even when considered in this light May does not teach or suggest the claimed invention.

Response To Rejection Under Section 101:

The Examiner asserts that claims 12-18 and 42 are unpatentable subject matter due to the claim recitation of a "computer readable medium". Applicants respectfully disagree and submit that the USPTO has commonly granted patents with claims reciting a "computer readable medium" For example, Baker (USPN 6,965,993), Gregg, et al (USPN 6,966,062), Subramaniam et al. (USPN 6,965,899), Shapiro et al. (USPN 6,965,926), Hay (USPN 6,580,390). Also, MPEP, eighth edition, 2106, Section IV, 1, (a) Functional Descriptive Material, indicates that Applicants language is proper.

Response To Rejection Under Section 103:

Claims 1, 3, 12-13, 19-20, 24, 33, and 37 have been rejected under 35 U.S.C. § 103 as being unpatentable over May, U.S. Patent Application Publication. 2001/0030977 (hereinafter "May") in view of Shukla, U.S Patent Application Publication 2002/0042875 (hereinafter "Shukla") and further in view of Araujo et al, U.S. Patent 6,301,229 (hereinafter "Araujo")

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and further view of U.S. Patent Application Publication 2002/0007414 (hereinafter "Inoue").

Applicants respectfully provide the following analogy to help explain some differences between the claimed invention and prior art. It is common knowledge that Russian nesting dolls are a set of different sized dolls where the smaller dolls fit (i.e. nests or is encapsulated) inside the larger dolls. When a smaller first doll is nested inside a larger second doll, the second exterior doll is visible whereas the first nested doll is not visible. The first and second dolls may be further nested inside of third larger doll and so forth. Thus, to make the first doll visible (after it has been nested inside of larger dolls) a reverse of the encapsulation takes place. That is the larger dolls are removed to reveal the first doll.

Analogously, like how the larger Russian nesting dolls encapsulate smaller dolls, Applicants claim encapsulating a point-to-point protocol signal within a network address request header (e.g. a DHCP message), wherein the point-to-point protocol signal is a lower layer in the Open Systems Interconnection (OSI) model than DHCP. Thus, a lower layer is encapsulated within a higher layer. Applicants order of encapsulation is important and allows the DHCP message to be visible without the point-to-point protocol signal being visible.

In contrast, Shukla (e.g. Figure 3) and May (e.g. Figures 5 and 8) teach encapsulating a packet per the OSI model wherein the higher layers in the model are encapsulated within the lower layers. For example, an application layer may be encapsulated within a presentation layer such that the presentation layer is visible and the application layer is not visible. The application and presentation layers may be further encapsulation within a session layer such that the session layer is visible but the application and presentation layers are not visible. The message formed from the encapsulated layers is sent across the network toward a destination wherein the reverse process is handled at the destination. The order of encapsulation, a higher layer encapsulated within a lower layer, is not arbitrary but specified by the OSI model in

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order for the destination to be able to process the message.

The Examiner asserts that May teaches encapsulating a point-to-point protocol signal within a network address request header (e.g. DHCP message). Applicants respectfully submit that May teaches converting a point-to-point protocol signal into a DHCP message and sending the converted message toward the DHCP server (page 4, para. 49). That is, May teaches a protocol conversion, converting a message from one format to another, and not encapsulating a DHCP message within a point-to-point protocol message.

Based on the above, Applicants respectfully submit that independent claims 1, 12, 19, 24, and 33 are patentable. Dependent claims 3-11, 13-18, 20-23, 26-32, and 35-45 are also patentable at least based on their dependency from claims 1, 12, 19, 24, and 33 as well as based on their own merit. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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